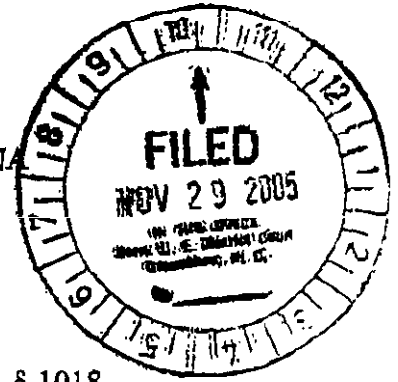


UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION



UNITED STATES OF AMERICA)

v.)

ERIK B. BLOWERS)

Defendant)

Criminal Number:

3:05-CR-396

VIOLATION: 18 U.S.C. § 1018

(Making a False Writing – Misdemeanor)

INFORMATION

The United States of America **informs** the Court that:

Count One

On or about October 31, 2000, in the Western District of North Carolina and elsewhere, the defendant, ERIK B. BLOWERS, **being** a public **officer** and other person authorized by law of the United **States to make and** give a **certificate** and other writing, did **knowingly make** and deliver as **true** a certificate and writing containing a statement which he knew to be materially false, that is, as **an** employee of the Federal Bureau of Investigation, defendant ERIK B. BLOWERS **made and** delivered as true a writing, known as an Ethics in Government Act Confidential Financial Disclosure Report, which he certified to he **true**, complete, and correct to the **best** of his knowledge when he **knew** it **was not true**, complete, and correct, to wit, in response to the requirement that he report **gifts** and travel reimbursements received **from one** source totaling more than \$260 during the preceding year, and **knowing** that he had received gifts and travel reimbursements in April 2000 and August 2000 from one source with a fair market value of not **less** than \$6000 which he **was** required to report, he falsely checked the box marked "None."

All in violation of Title 18, United States Code, Section 1018 (Making a False Writing -

Misdemeanor).

November 29, 2005

DATE

Respectfully Submitted,
NOEL L. HILLMAN
Chief, Public Integrity Section
Criminal Division
U.S. Department of Justice

By:

William J. Corcoran
WILLIAM J. CORCORAN
Senior Counsel

Daniel A. Petalas
DANIEL A. PETALAS

Trial Attorney
Public Integrity Section
Criminal Division
U.S. Department of Justice
10th St. and Constitution Ave. NW
Washington, DC 20530
(202) 514-1412
(202) 514-3003 (facsimile)
Dan.Petalas@usdoj.GOV

by W.J.C.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

ERIK B. BLOWERS,

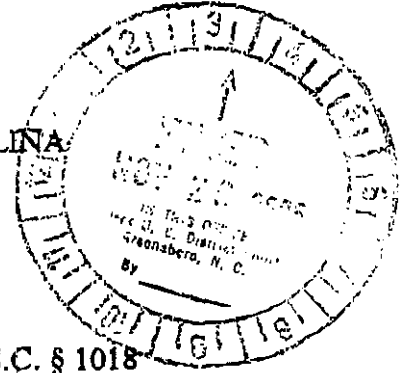
Defendant.

Criminal Number:

3:05-CR-396

VIOLATION: 18 U.S.C. § 1018

(Making a False Writing - Misdemeanor)



FACTUAL BASIS FOR PLEA

The United States of America, by and through its undersigned attorneys within the United **States** Department of Justice, Criminal **Division**, Public Integrity Section, and the defendant, Erik B. Blowers ("Blowers"), personally and through his undersigned counsel, hereby stipulate to the following facts pursuant to United States Sentencing Guidelines § 6A1.1 and Rule 32(c)(1) of the Federal Rules of Criminal **Procedure**.

1. Blowers **worked** for the **Federal Bureau** of Investigation ("FBI") **from** on or **about** November 9, 1989, **through the** present. At all relevant **times** hereto, Blowers worked full-time as a Supervisory Special Agent ("**SSA**") and Chief Division Counsel ("**CDC**") in the Charlotte Field **Office** of the **FBI**, located in the Western District of North Carolina.

2. **As** CDC, Blowers was a public officer who **was** authorized and required under the Ethics in Government **Act** and applicable FBI regulations to **make and** deliver, **in** October of each year, **an** official writing in a form developed by the Office of **Government** Ethics, known as a Confidential Financial Disclosure Report.

3. That writing obligated Blowers to certify that the statements **it** included **and** all **attached** statements **were true**, complete, and correct to the best of his knowledge and belief.

Among **other** matters, ~~the~~ writing required Blowers to report ~~gifts~~ or travel reimbursements he received ~~from~~ one source totaling more than \$260 for the previous **year**.

4. In or about April, 1996, David Simonini ~~was~~ identified during an investigation into organized gambling and money laundering in the **Charlotte-Mecklenburg** area conducted jointly by the **FBI** and the Internal **Revenue** Service (IRS). Blowers ~~was the lead case agent~~ in that investigation for the **FBI**. Between ~~m~~ or about November, 1996, and ~~in~~ or about **January**, 1998, Simonini cooperated with the FBI in the gambling and money laundering investigation. **During** that time, Blowers was **Simonini's official** handler on behalf of the **FBI**.

5. On or about February 9, 1999, the White Collar **Crime** Squad of the Charlotte Division of the FBI formally opened a preliminary investigation of **Simonini** based upon allegations that Simonini was involved in **financial institution fraud** and ~~fraud~~ by wire.

6. From on or about April **2, 2000**, through on or about June **30, 2000**, Blowers ~~held~~ the position of Acting Supervisory Special Agent, in charge of the White Collar Crime Squad where the preliminary investigation into the allegations against Simonini were pending.

7. On or about April 26, 2000, Blowers traveled to **Las Vegas**, Nevada, with Simonini at Simonini's invitation. Simonini was responsible for the **expenses** associated with Blowers's trip to **Las Vegas**, and Blowers did not pay Simonini for the **costs of** the trip. Some of those costs ~~were~~ paid for by Simonini, and others were "**comped**" by the ~~hotel~~ at which they stayed (the "**Company**") as a result of Simonini's gambling status with the Company.

8. On or about July 3, 2000, after ~~Blowers left~~ the White Collar **Crime Squad**, the FBI officially closed the preliminary investigation of Simonini.

9. On or about August **27, 2000**, Blowers made ~~a~~ second trip to **Las Vegas**, Nevada, with Simonini, at **Simonini's** invitation. **Simonini** was responsible for the expenses associated with defendant Blowers's trip to **Las Vegas**, and Blowers did not pay **Simonini** for the **costs of**

the trip. Some of those costs were paid for by **Simonini**, and **others** were "comped" by the Company as a result of **Simonini's gambling** status with the Company.

10. Blowers received benefits with a market value of not less than approximately \$6,000 in connection with his two trips to Las Vegas, Nevada with **Simonini** in the year 2000. At all times relevant, Blowers **knew** that disclosure of his receipt of those benefits **was** material to the FBI.

11. On or about October 31, 2000, Blowers made and delivered as true an official **writing**, a Confidential Financial Disclosure Report, covering the **period during** which Blowers traveled to **Las Vegas, Nevada** with **Simonini**. In Part V of that writing, Blowers knowingly put an "X" in the box marked "none" in response to the question **asking** him to disclose **any** "gift or travel reimbursements received from one source totaling more than \$260." Blowers signed the **writing** beside the statement: "I **certify that** the **statements** I have made on this **form** and all **attached statements** are true, complete, and **correct to the** best of my knowledge."

12. In doing so, Blowers, a public officer, knowingly **made** and delivered as true an official writing he **was** authorized and required **by** law to make, containing a statement which he **knew** to be materially **false**.

DATE

November 29, 2005

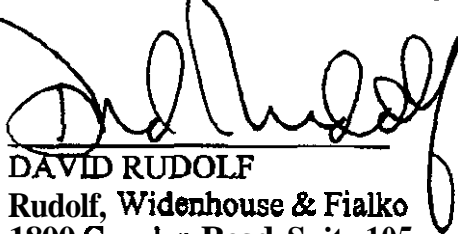
FOR THE DEFENDANT:



ERIK B. BLOWERS
Defendant



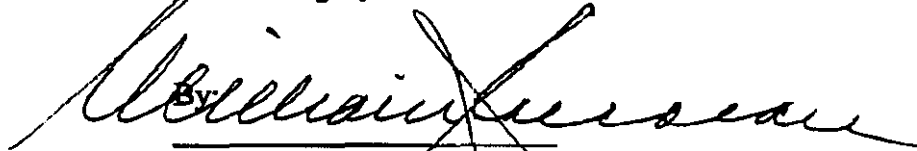
CHRISTOPHER FIALKO, ESQ.



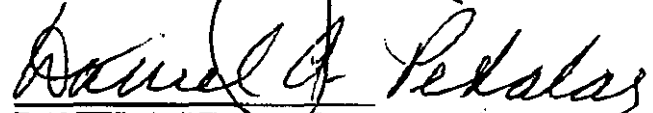
DAVID RUDOLF
Rudolf, Widenhouse & Fialko
1800 Camden Road, Suite 105
Charlone, NC 28203

FOR THE UNITED STATES:

NOEL L. HILLMAN
Chief
Public Integrity Section



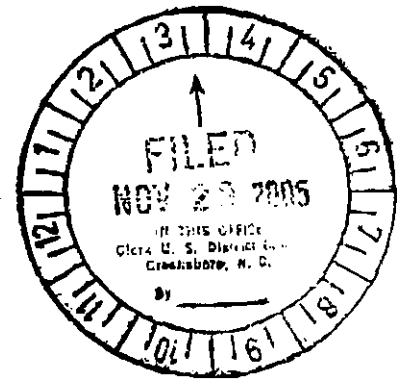
WILLIAM J. CORCORAN
Senior Counsel



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U.S. Department of Justice
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION



UNITED STATES OF AMERICA)

v)

ERIK B. BLOWERS,)

Defendant.)

Criminal Number:

3:05CR2396

VIOLATION: 18 U.S.C. § 1018

(Making a False Writing – Misdemeanor)

PLEA AGREEMENT

The United States of America, by and through its undersigned attorneys within the United States Department of Justice, Criminal Division, **Public Integrity Section**, and the defendant, **Erik B. Blowers** ("**Blowers**"), personally and through his undersigned counsel, pursuant to Rule 11(c) of the Federal Rules of Criminal Procedure, have entered into an agreement, the terms and conditions of which are as follows:

1. The defendant is entering this agreement and is pleading guilty freely and voluntarily without promise or benefit of any kind, other than contained herein, and without threats, force, intimidation, or **coercion** of any kind.
2. The defendant knowingly, voluntarily, and truthfully **admits** to the facts contained in the attached Factual **Basis** for Plea, which is incorporated herein and made part of this agreement, and agrees that had **this** matter gone to trial the government would have **proved** these facts beyond a reasonable doubt.
3. The defendant **agrees** to waive his right to indictment and to plead guilty to a one-count Information filed with this agreement. The defendant admits that he is guilty of the crime charged in the Information, that is, Making a **False** Writing, a misdemeanor, and defendant understands that he will be adjudicated guilty of that offense.

4. The defendant understands the nature of the offense to which he is pleading guilty, and the elements thereof, including the penalties provided by law. The maximum penalties for a misdemeanor violation of 18 **U.S.C.** § 1018 is one year of imprisonment, a \$100,000 fine, and a mandatory special assessment of **\$25**. The defendant understands that the Court may impose a term of ~~supervised~~ release to follow any incarceration. in **accordance** with 18 U.S.C. § 3583, and that, in this case, the authorized term of supervised release is not more than one year. **The** defendant also **understands** that the Court **may** impose restitution, costs of incarceration, and costs of supervision. The **government** believes there is no basis for restitution in this case.

5. If the Court accepts defendant's plea of guilty to the **Information**, and the defendant fulfills each of the **terms** and conditions of this agreement, the United States agrees that it will not further prosecute the defendant for any other conduct by the defendant of which the Public **Integrity** Section or **law-enforcement** agents working with ~~the~~ Public Integrity Section in this investigation are aware of on the date ~~the government~~ signed this agreement. If the court accepts the defendant's plea of guilty entered pursuant to this agreement, the United States will move to dismiss the one-count indictment against the defendant pending in **U.S.** District Court for the Western District of North Carolina, Case No. **3:05-cr-0093**, ~~after~~ sentencing and **entry** of **judgment**.

6. The defendant understands and **acknowledges** that the offense to which he is pleading guilty is subject to the provisions and guidelines of the "Sentencing Reform Act of 1984," Title 28, United States **Code**, Section **994(a)**. The defendant understands **and acknowledges** that he may receive **any sentence** within the statutory **maximum** for the offense of conviction. The United States cannot and does not make any promise or representation as to ~~what~~ sentence the defendant will receive or what fines or restitution, if **any**, ~~the~~ defendant may

be ordered to pay. The defendant understands that the sentence and the **sentencing** guidelines applicable to this case will be determined solely by the Court, with the assistance of the United States Probation **Office**, and that the defendant will not be **permitted** to withdraw his plea regardless of the sentence calculated by the **United** States Probation Office or imposed by the **Court**.

7. ~~The parties agree that the appropriate Sentencing Guideline for this offense is § 2F1.1 under the 1999 Sentencing Guidelines Manual, and that the base offense level is six. The parties stipulate and agree that a two-level increase for the specific offense characteristic at § 2F1.1(b)(1)(C) applies, as the offense involves more than \$5,000 and less than \$10,000, and that no adjustments under § 3B1.1, § 3B1.2, or § 3B1.3 apply. The resulting offense level is eight.~~

DSA 11/29/05
DF 11/29/05
WJC 11/29/05
DAP 11/29/05

8. Should the defendant fully comply with his obligations under this agreement, the United **States** will recommend that the defendant receive a two-level reduction for acceptance of responsibility under **§ 3E1.1(a)** of the Sentencing Guidelines, ~~reducing the offense level to six.~~

DSA 11/29/05
DF 11/29/05
WJC 11/29/05
DAP 11/29/05

9. The United States reserves its right to **allocute** as to the nature and seriousness of ~~the offense.~~

10. The defendant **agrees** to resign immediately from the **FBI**, and to not **seek** or accept any position with a department or agency of the United States government in the future. The defendant knows **and** understands that this provision is a **material** part of this agreement.

11. If the defendant fails to **comply** with any of the material conditions and terms set forth in this agreement, including **his** failure to acknowledge in open **court** his role in this offense as set forth in the signed Factual **Basis** for **Plea**, the defendant will have **committed** a material breach of the agreement which will release the government **from** its **promises** and **commitments** made in this agreement. Upon defendant's failure to comply with **any** of the terms and

conditions set forth in this ~~agreement~~, the government may fully prosecute the defendant on all criminal ~~charges~~ that ~~can be brought~~ against ~~the~~ defendant. With respect to such a prosecution:

- a. The United States will have ~~the~~ right to use any statements made by the defendant pursuant to this agreement, or evidence derived ~~therefrom, including~~ ~~any~~ and ~~all statements~~ in the signed Factual ~~Basis~~ for Plea, in its case-in-chief and to impeach the defendant ~~with any~~ such statements;
- b. The ~~defendant waives~~ any right to claim that ~~evidence presented~~ in such prosecution is tainted by virtue of the statements the defendant has made; and
- c. The defendant waives any and all defenses ~~based~~ on the statute of limitations with respect to ~~any such~~ prosecution that is not time-barred on the date that ~~this agreement is signed by~~ the parties.

12. In the event of a dispute as ~~to whether~~ defendant has knowingly ~~committed any~~ material breach of this ~~agreement~~, and if the United States ~~chooses~~ to exercise its rights under the preceding paragraph, and if the defendant so requests, the matter shall be submitted to the Court and shall ~~be determined by~~ the Court ~~in~~ an appropriate proceeding at which defendant's disclosures ~~and~~ documents shall be ~~admissible and~~ at which ~~time~~ the United ~~States~~ shall have the burden to establish the ~~defendant's~~ breach by a preponderance of the ~~evidence~~.

13. The defendant ~~agrees~~ that if the Court does not accept the defendant's plea of guilty, ~~this agreement shall be null and void~~.

14. In consideration for the defendant's compliance with all the ~~terms~~ of this agreement, ~~the~~ United States will not oppose a request by the defendant at the time his plea is entered for conditions of release that will permit ~~him~~ to remain ~~free~~ pending ~~sentencing~~.

15. The defendant understands that this agreement is binding only upon the Public Integrity Section of the Department of Justice. ~~This~~ agreement does not bind ~~any~~ United States

Attorney's Office, nor does it bind any state or local prosecutor. **It** also does not bar or compromise any **civil** or administrative claim pending or that may be made against defendant. If requested, however, the Public Integrity Section will bring this agreement to the attention of any other prosecuting jurisdiction and **ask** that jurisdiction to abide by the provisions of this plea agreement. The defendant understands **that** other **prosecuting** jurisdictions retain discretion over whether to abide by the provisions of this agreement.

16. This agreement and the attached and incorporated Factual Basis for Plea constitute **the** entire agreement **between** the United States and the defendant. No other promises, agreements, or representations exist or **have** been made to the **defendant** or **the** defendant's attorneys by the Department of Justice in connection with this case. **This** agreement **may** be amended only by a **writing signed** by all parties.

DATED:

November 29 2005

FOR THE DEFENDANT:



ERIK B. BLOWERS
Defendant



CHRISTOPHER FIALKO, ESQ.

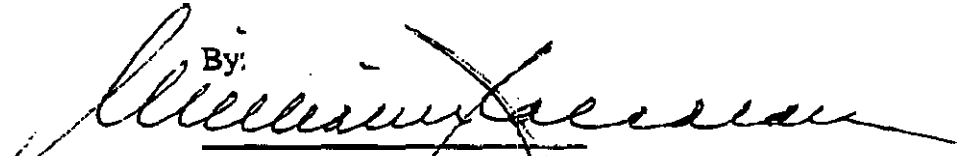


DAVID RUDOLF, ESQ.
Rudolf, Widenhouse & Fialko
1800 Camden Rd., Suite 105
Charlotte, NC 28203

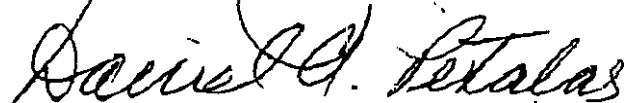
FOR THE UNITED STATES:

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